

Union Calendar No. 172

103D CONGRESS  
1ST SESSION

H. R. 3351

[Report No. 103-321]

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

NOVEMBER 3, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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### IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. BROOKS (for himself and Mr. SCHUMER) introduced the following bill;  
which was referred to the Committee on the Judiciary

NOVEMBER 3, 1993

Additional sponsors: Mr. HUGHES and Mr. McHALE

NOVEMBER 3, 1993

Reported with an amendment, committed to the Committee of the Whole  
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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on October 26, 1993]

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**  
 4       **FENDERS.**

5       *(a) IN GENERAL.—Title I of the Omnibus Crime Con-*  
 6       *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),*  
 7       *is amended—*

8               *(1) by redesignating part Q as part R;*

9               *(2) by redesignating section 1701 as section*  
 10       *1801; and*

11              *(3) by inserting after part P the following:*

12       **“PART Q—ALTERNATIVE PUNISHMENTS FOR**  
 13       **YOUNG OFFENDERS**

14       **“SEC. 1701. GRANT AUTHORIZATION.**

15       *“(a) IN GENERAL.—The Director of the Bureau of Jus-*  
 16       *tice Assistance (referred to in this part as the ‘Director’)*  
 17       *may make grants under this part to States, for the use by*  
 18       *States and units of local government in the States, for the*  
 19       *purpose of developing alternative methods of punishment for*  
 20       *young offenders to traditional forms of incarceration and*  
 21       *probation.*

22       *“(b) ALTERNATIVE METHODS.—The alternative meth-*  
 23       *ods of punishment referred to in subsection (a) should en-*  
 24       *sure certainty of punishment for young offenders and pro-*  
 25       *mote reduced recidivism, crime prevention, and assistance*

1 *to victims, particularly for young offenders who can be pun-*  
2 *ished more effectively in an environment other than a tradi-*  
3 *tional correctional facility, including—*

4           “(1) *alternative sanctions that create account-*  
5 *ability and certainty of punishment for young offend-*  
6 *ers;*

7           “(2) *boot camp prison programs;*

8           “(3) *technical training and support for the im-*  
9 *plementation and maintenance of State and local res-*  
10 *titution programs for young offenders;*

11           “(4) *innovative projects;*

12           “(5) *correctional options, such as community-*  
13 *based incarceration, weekend incarceration, and elec-*  
14 *tronic monitoring of offenders;*

15           “(6) *community service programs that provide*  
16 *work service placement for young offenders at non-*  
17 *profit, private organizations and community organi-*  
18 *zations;*

19           “(7) *demonstration restitution projects that are*  
20 *evaluated for effectiveness; and*

21           “(8) *innovative methods that address the prob-*  
22 *lems of young offenders convicted of serious substance*  
23 *abuse (including alcohol abuse, and gang-related of-*  
24 *fenses), including technical assistance and training to*  
25 *counsel and treat such offenders.*

1 **“SEC. 1702. STATE APPLICATIONS.**

2 “(a) *IN GENERAL.*—(1) *To request a grant under this*  
3 *part, the chief executive of a State shall submit an applica-*  
4 *tion to the Director in such form and containing such infor-*  
5 *mation as the Director may reasonably require.*

6 “(2) *Such application shall include assurances that*  
7 *Federal funds received under this part shall be used to sup-*  
8 *plement, not supplant, non-Federal funds that would other-*  
9 *wise be available for activities funded under this part.*

10 “(b) *STATE OFFICE.*—*The office designated under sec-*  
11 *tion 507 of this title—*

12 “(1) *shall prepare the application as required*  
13 *under subsection (a); and*

14 “(2) *shall administer grant funds received under*  
15 *this part, including review of spending, processing,*  
16 *progress, financial reporting, technical assistance,*  
17 *grant adjustments, accounting, auditing, and fund*  
18 *disbursement.*

19 **“SEC. 1703. REVIEW OF STATE APPLICATIONS.**

20 “(a) *IN GENERAL.*—*The Director, in consultation with*  
21 *the Director of the National Institute of Corrections, shall*  
22 *make a grant under section 1701(a) to carry out the*  
23 *projects described in the application submitted by such ap-*  
24 *plicant under section 1702 upon determining that—*

25 “(1) *the application is consistent with the re-*  
26 *quirements of this part; and*

1           “(2) before the approval of the application, the  
2       Director has made an affirmative finding in writing  
3       that the proposed project has been reviewed in accord-  
4       ance with this part.

5           “(b) *APPROVAL*.—Each application submitted under  
6       section 1702 shall be considered approved, in whole or in  
7       part, by the Director not later than 45 days after first re-  
8       ceived unless the Director informs the applicant of specific  
9       reasons for disapproval.

10          “(c) *RESTRICTION*.—Grant funds received under this  
11       part shall not be used for land acquisition or construction  
12       projects, other than alternative facilities described in section  
13       1701(b).

14          “(d) *DISAPPROVAL NOTICE AND RECONSIDERATION*.—  
15       The Director shall not disapprove any application without  
16       first affording the applicant reasonable notice and an op-  
17       portunity for reconsideration.

18       **“SEC. 1704. LOCAL APPLICATIONS.**

19          “(a) *IN GENERAL*.—(1) To request funds under this  
20       part from a State, the chief executive of a unit of local gov-  
21       ernment shall submit an application to the office designated  
22       under section 1701(b).

23          “(2) Such application shall be considered approved, in  
24       whole or in part, by the State not later than 45 days after

1 *such application is first received unless the State informs*  
 2 *the applicant in writing of specific reasons for disapproval.*

3 “(3) *The State shall not disapprove any application*  
 4 *submitted to the State without first affording the applicant*  
 5 *reasonable notice and an opportunity for reconsideration.*

6 “(4) *If such application is approved, the unit of local*  
 7 *government is eligible to receive such funds.*

8 “(b) *DISTRIBUTION TO UNITS OF LOCAL GOVERN-*  
 9 *MENT.—A State that receives funds under section 1701 in*  
 10 *a fiscal year shall make such funds available to units of*  
 11 *local government with an application that has been submit-*  
 12 *ted and approved by the State within 45 days after the Di-*  
 13 *rector has approved the application submitted by the State*  
 14 *and has made funds available to the State. The Director*  
 15 *shall have the authority to waive the 45-day requirement*  
 16 *in this section upon a finding that the State is unable to*  
 17 *satisfy such requirement under State statutes.*

18 **“SEC. 1705. ALLOCATION AND DISTRIBUTION OF FUNDS.**

19 “(a) *STATE DISTRIBUTION.—Of the total amount ap-*  
 20 *propriated under this part in any fiscal year—*

21 “(1) *0.4 percent shall be allocated to each of the*  
 22 *participating States; and*

23 “(2) *of the total funds remaining after the allo-*  
 24 *cation under paragraph (1), there shall be allocated*  
 25 *to each of the participating States an amount which*

1        *bears the same ratio to the amount of remaining*  
2        *funds described in this paragraph as the number of*  
3        *young offenders of such State bears to the number of*  
4        *young offenders in all the participating States.*

5        *“(b) LOCAL DISTRIBUTION.—(1) A State that receives*  
6        *funds under this part in a fiscal year shall distribute to*  
7        *units of local government in such State for the purposes*  
8        *specified under section 1701 that portion of such funds*  
9        *which bears the same ratio to the aggregate amount of such*  
10       *funds as the amount of funds expended by all units of local*  
11       *government for correctional programs in the preceding fis-*  
12       *cal year bears to the aggregate amount of funds expended*  
13       *by the State and all units of local government in such State*  
14       *for correctional programs in such preceding fiscal year.*

15       *“(2) Any funds not distributed to units of local govern-*  
16       *ment under paragraph (1) shall be available for expenditure*  
17       *by such State for purposes specified under section 1701.*

18       *“(3) If the Director determines, on the basis of infor-*  
19       *mation available during any fiscal year, that a portion of*  
20       *the funds allocated to a State for such fiscal year will not*  
21       *be used by such State or that a State is not eligible to re-*  
22       *ceive funds under section 1701, the Director shall award*  
23       *such funds to units of local government in such State giving*  
24       *priority to the units of local government that the Director*  
25       *considers to have the greatest need.*



1       “(c) *GENERAL REQUIREMENT.*—Notwithstanding the  
2       provisions of subsections (a) and (b), not less than two-  
3       thirds of funds received by a State under this part shall  
4       be distributed to units of local government unless the State  
5       applies for and receives a waiver from the Director of the  
6       Bureau of Justice Assistance.

7       “(d) *FEDERAL SHARE.*—The Federal share of a grant  
8       made under this part may not exceed 75 percent of the total  
9       costs of the projects described in the application submitted  
10      under section 1702(a) for the fiscal year for which the  
11      projects receive assistance under this part.

12      **“SEC. 1706. EVALUATION.**

13      “(a) *IN GENERAL.*—(1) Each State and local unit of  
14      government that receives a grant under this part shall sub-  
15      mit to the Director an evaluation not later than March 1  
16      of each year in accordance with guidelines issued by the  
17      Director and in consultation with the National Institute  
18      of Justice.

19      “(2) The Director may waive the requirement specified  
20      in paragraph (1) if the Director determines that such eval-  
21      uation is not warranted in the case of the State or unit  
22      of local government involved.

23      “(b) *DISTRIBUTION.*—The Director shall make avail-  
24      able to the public on a timely basis evaluations received  
25      under subsection (a).

1       “(c) *ADMINISTRATIVE COSTS.*—A State and local unit  
 2 of government may use not more than 5 percent of funds  
 3 it receives under this part to develop an evaluation program  
 4 under this section.”.

5       (b) *CONFORMING AMENDMENT.*—The table of contents  
 6 of title I of the Omnibus Crime Control and Safe Streets  
 7 Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking  
 8 the matter relating to part Q and inserting the following:

“PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

“Sec. 1701. Grant authorization.

“Sec. 1702. State applications.

“Sec. 1703. Review of State applications.

“Sec. 1704. Local applications.

“Sec. 1705. Allocation and distribution of funds.

“Sec. 1706. Evaluation.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

9       (c) *DEFINITION.*—Section 901(a) of the Omnibus  
 10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 11 3791(a)), is amended by adding after paragraph (23) the  
 12 following:

13               “(24) The term ‘young offender’ means an indi-  
 14 vidual 28 years of age or younger.”.

15 **SEC. 2. AUTHORIZATION OF APPROPRIATION.**

16       Section 1001(a) of title I of the Omnibus Crime Con-  
 17 trol and Safe Streets Act of 1968 (42 U.S.C. 3793) is  
 18 amended by adding after paragraph (10) the following:

1       “(11) *There are authorized to be appropriated*  
2 *\$200,000,000 for each of the fiscal years 1994, 1995, and*  
3 *1996 to carry out the projects under part Q.*”.